

Appl. No. 10/665,949
Atty. Docket No. 9365Q
Amdt. dated August 14, 2006
Reply to Office Action of March 17, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 4, 5, and 8-15 are pending. Claims 3, 4, 6, 7, and 16-21 are canceled. Claims 4 and 5 stand rejected under 35 USC § 112. Claims 1, 4, 8, and 10-15 stand rejected under 35 USC § 102. Claims 2, 5, and 9 stand rejected under 35 USC § 103. Claims 1, 2, 4, 5, 8-10, and 12-15 are amended.

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC § 121, election of a single disclosed invention for prosecution on the merits. A provisional election with traverse was made via telephone on January 4 and 9, 2006 to prosecute the invention of Group I and species A, I, X, and II. This hereby confirms the election to prosecute the invention designated in the Office Action as Invention I. This election is made without traverse. Claims 1, 2, 4, 5, and 8-15 are drawn to this invention. Claims 3, 6, 7, and 16-21, which are drawn to a non-elected invention, are canceled.

Rejections Under 35 USC § 112, Second Paragraph

Claims 4 and 5 are rejected under 35 USC § 112, second paragraph, as being indefinite for unclear references to heating. The Applicant has amended claims 4 and 5 to clarify the references to heating. Therefore, the Applicant submits that claims 4 and 5, as currently amended, are definite. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 112 rejections for claims 4 and 5.

Rejections Under 35 USC § 102 Over Popp

Claims 1, 4, 8, and 10-15 are rejected under 35 USC § 102(b) as being anticipated by Popp, et al. (U.S. Publication 2002/0087139). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 102 over the Popp reference for the reasons discussed below.

Independent claim 1, as currently amended, recites in part "incrementally stretching a portion of the absorbent article." However, the Popp reference appears to

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disclose heating and shrinking a portion of an absorbent article (Popp, ¶ 64), not “incrementally stretching a portion of the absorbent article” as recited in part in the Applicant’s independent claim 1. For this reason, the Applicant asserts that the Popp reference does not disclose each and every element of the Applicant’s independent claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 1 and for the claims which depend therefrom.

Rejection Under 35 USC § 103 Over Popp in view of Sabee

Claim 2 is rejected under 35 USC § 103(a) as being unpatentable over Popp, et al. (U.S. Publication 2002/0087139) in view of Sabee (U.S. Patent 3,509,881). The Applicant does not admit that any characterization by the Office Action regarding this rejection is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses this rejection under 35 USC § 103 over the Popp reference in view of the Sabee reference for the reasons discussed below.

As discussed above, the Popp reference does not appear to describe, teach, or suggest “incrementally stretching a portion of the absorbent article” as recited in part in the Applicant’s independent claim 1. From the Applicant’s review, the Sabee reference does not appear to cure this deficiency. Claim 2 depends from independent claim 1, and incorporates the elements of independent claim 1. Therefore, the Applicant asserts that the Popp reference and the Sabee reference, either independently or in combination, do not describe, teach, or suggest each and every element of the Applicant’s claim 2. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection for claim 2.

Rejection Under 35 USC § 103 Over Popp in view of Buell

Claim 9 is rejected under 35 USC § 103(a) as being unpatentable over Popp, et al. (U.S. Publication 2002/0087139) in view of Buell, et al. (U.S. Patent 5,674,216). The Applicant does not admit that any characterization by the Office Action regarding this rejection is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses this rejection under 35 USC § 103 over the Popp reference in view of the Buell reference for the reasons discussed below.

As discussed above, the Popp reference does not appear to describe, teach, or suggest “incrementally stretching a portion of the absorbent article along a longitudinal

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edge to form an activated portion" as recited in part in the Applicant's independent claim 1. Since the Popp reference does not appear to describe, teach, or suggest incremental stretching to form an activated portion, the Popp reference also does not appear to describe, teach, or suggest, "folding at least a portion of the activated portion of the absorbent article along the longitudinal edge to form a folded portion" as recited in part in the Applicant's independent claim 1.

From the Applicant's review, the Buell reference also does not appear to describe, teach, or suggest, "folding at least a portion of the activated portion of the absorbent article along the longitudinal edge to form a folded portion." Claim 9 depends from independent claim 1, and incorporates the elements of independent claim 1. Therefore, the Applicant asserts that the Popp reference and the Buell reference, either independently or in combination, do not describe, teach, or suggest each and every element of the Applicant's claim 9. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection for claim 9.

Rejection Under 35 USC § 103 Over Popp in view of Buell, Joest, and Melius

Claim 5 is rejected under 35 USC § 103(a) as being unpatentable over Popp, et al. (U.S. Publication 2002/0087139) in view of Buell, et al. (U.S. Patent 5,674,216), Joest, et al. (U.S. Patent 5,830,821), and Melius (U.S. Publication 2004/044322A1). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Popp reference in view of the Buell, Joest, and Melius references for the reasons discussed below.

As discussed above, the Buell reference does not appear to describe, teach, or suggest, "folding at least a portion of the activated portion of the absorbent article along the longitudinal edge to form a folded portion" as recited in the Applicant's independent claim 1. From the Applicant's review, the Joest reference and the Melius reference do not appear to cure this deficiency. Claim 5 depends from independent claim 1, and incorporates the elements of independent claim 1. Therefore, the Applicant asserts that the Popp reference, the Buell reference, the Joest reference, and the Melius reference either independently or in combination, do not describe, teach, or suggest each and every

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element of the Applicant's claim 5. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection for claim 5.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 2, 4, 5, and 8-15 is respectfully requested.

Respectfully submitted,

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